

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN SECTION OF TENNESSEE
WESTERN DIVISION

CORTEZ D. BROWN, DEONTAE TATE,
and JEREMY S. MELTON on behalf of
themselves and all similarly situated
persons,

PLAINTIFFS,

v.

BILL OLDHAM, in his individual capacity
and in his official capacity as the Sheriff of
Shelby County, Tennessee; ROBERT
MOORE, in his individual capacity and in
his official capacity as the Jail Director of
the Shelby County, Tennessee;
CHARLENE McGHEE, in her individual
capacity and in her official capacity as the
of Assistant Chief Jail Security of Shelby
County, Tennessee; DEBRA HAMMONS,
in her individual capacity and in her
official capacity as the Assistant Chief of
Jail Programs of Shelby County,
Tennessee; SHELBY COUNTY,
TENNESSEE, a Tennessee municipality;
and TYLER TECHNOLOGIES, INC., a
foreign corporation

DEFENDANTS.

Case No. 2:17-cv-02015-JTF-dkv

(Honorable John T. Fowlkes, Jr.)

**CLASS ACTION COMPLAINT FOR
VIOLATIONS OF THE CIVIL
RIGHTS ACT OF 1871, 42 U.S.C. §
1983, AND TENNESSEE COMMON
LAW**

**JURY TRIAL DEMANDED
PURSUANT TO FED. R. CIV. PRO.
38(a) & (b)**

**DECLARATION OF FRANK L. WATSON, III IN SUPPORT OF PLAINTIFFS' RULE
23(g)(3) MOTION FOR APPOINTMENT OF INTERIM CLASS COUNSEL AND
INTERIM LIAISON CLASS COUNSEL**

1. I am one of the attorneys representing Plaintiffs Cortez D. Brown, Deontae Tate and Jeremy S. Melton , and the putative class in this matter. I am admitted to practice in all state courts and U.S. District Courts in the State of Tennessee. I currently practice at WATSON BURNS, PLLC, a Tennessee law firm, which specializes in the prosecution of class action throughout the nation. I have never been suspended, sanctioned, disbarred or disqualified by any Court nor by any legal disciplinary body.

2. I have been involved in varying capacities with several class actions and complex litigation in Tennessee state courts and in various federal courts throughout the nation. I am admitted to practice before the Federal District Courts of Arkansas and Tennessee and the United States Court of Appeals for the Fourth, Fifth, Sixth Circuit, Seventh Circuit, and Eleventh Circuits, having handled numerous cases before each of these courts.

3. I have had substantial experience acting as both defense and plaintiffs' counsel in class action litigation. I initially gained experience defending clients in class actions, with a focus on securities class actions in particular. For example, in the action known as *In re Taxable Municipal Bond Securities Litigation* (M.D.L. 863) which involved the underwriting and sale of municipal bonds by Drexel Burnham Lambert and others, I served as class action co-counsel on behalf of a class of secondary market securities broker-dealers before the Honorable Judge Morey Sear in the United States District Court for the Eastern Division of Louisiana. In a Missouri class action styled *Hachey et al. v. Lutheran Church-Missouri Synod Foundation, et al.*, Case No. 00 CC 003359 involving the purchase and sale of collateralized mortgage obligation securities, I served as class action defense counsel; this action resulted in a settlement in which my client was released from liability without any payment or consideration provided to the plaintiff class.

4. With respect to the representation of class action plaintiffs, I and William F. Burns have been appointed Lead and/or Co-Lead Class Counsel in a large number of highly successful matters ranging from defective products to financial services. Among others, these include:

- *Babb, et. al. v. Wilsonart International, Inc.* Civil Action No. 01818-04, Div. 4 (Cir. Ct. Shelby County, Tennessee filed Mar. 30, 2004)(appointed Co-Lead Class Counsel to consumer class action involving defective kitchen countertops owned by over 10,000 consumers; case was certified as a nationwide class action and ultimately settled for a compensatory damages of \$23.5 million to the class).
- *Logan, et al. v. SCB Computer Technologies, Inc.* Case No. 03-2925 (W.D. Tenn. filed 2004)(appointed Lead Class Counsel to a collective and class action involving federal and state wage and hour violations, which resulted in a settlement for approximately 250 misclassified computer programmers) .
- *Stephenson v. Equity Title & Escrow of Memphis, LLC, et. al*, Civil Action No. 06-67 (Cir. Ct. Dyersburg County, Tennessee filed Apr. 21, 2006)(appointed Co-Lead Class Counsel in the successful certification and settlement of excessive title insurance of title insurance premiums involving over 10,000 consumers)
- *Squires v. The ServiceMaster Co. and Clayton Dubilier & Rice, Inc.*, CH-08-0471-Part II (Chancery Ct. Shelby Co., Tennessee filed Mar. 11, 2008)(appointed Co-Lead Class Counsel to employees who held options on ServiceMaster stock that had been wrongfully canceled; case settled on a class basis for \$1 million)
- *Howard v. Wilkes & McHugh, P.A. et al.*, Case No. 2:06-cv-2833-JMP-tmp (W.D. Tenn. filed Dec. 12, 2006)(appointed Lead Class Counsel in class action against law firm for charging excessive fees in medical malpractice cases; case settled for \$4 million)
- *Ham et al. v. Swift Transportation Co., Inc.* Case No. 2:09-cv-02145-JTF (W.D. Tenn. filed Mar. 11, 2009)(appointed Co-Lead Class Counsel to class of approximately 8,700 student truck drivers who lost their commercial drivers licenses based on the alleged wrongful actions of Swift's trucking driving school; case settled for compensatory damages and debt write off valued in excess of \$17 million)
- *Manjunath A. Gokare, P.C. et al v. Federal Express Corp.*, Case No. 2:11-cv-02131-JTF-cgc (W.D. Tenn. filed Nov. 11, 2011)(appointed Co-Lead Class Counsel to class of consumers to whom Federal Express had improperly imposed residential surcharges for the delivery of packages to non-residential addresses; case was settled for \$20 million)

- *Youngblood v. Linebarger, Goggan, Blair & Sampson, LLP*, Case No. 10-cv-2304 SHM-tmp (W.D. Tenn. filed 2010) (appointed Co-Lead Class Counsel in class action against law firm for its collection of an unlawful attorney fee from delinquent real property taxpayers) and *Youngblood v. Linebarger, Goggan, Blair & Sampson, LLP*, CH-13-0899-Part III (Chancery Ct. Shelby County, Tennessee filed June 18, 2013)(subsequent case settlement in state court for \$7.4 million)
- *Clemans v. New Werner Co. d/b/a Werner Co.*, Case No. 3:12-cv-05186-RBL (W.D. Wash. filed Mar. 2, 2012)(appointed Co-Lead Class Counsel in class action alleging that an attic ladder, made by Werner Co. prior to its bankruptcy in 2006, was defective; despite Werner's bankruptcy, case was settled by Werner's agreement to replace 300,000 attic ladders sold in the U.S, the retail value of which was \$48 million)
- *Goodman v. Cashman et al and CIGNA Life Insurance Co.*, Case No. 3:14-cv-229-DPM (E.D. Ark. Dec. 10, 2015)(ERISA class action certified on behalf of participants in Crittenden Hospital Associations defunct health plan and appointed Co-Lead Class Counsel; proposed settlement pending)

5. The above cases have been defended by some of the nation's largest and most respected defense firms, including McDermott, Will & Emery, LLP, Greenberg Traurig, LLP, Debevoise & Plimpton, LLP, Bass, Berry & Sims, Baker Donelson and Waller Lansden. I and Mr. Burns have also successfully handled a number of appeals under Rule 23(f) of the Federal Rules of Civil Procedure.

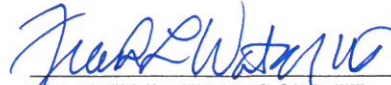
6. My law partner, William F. Burns, similarly has extensive class action experience, having served as Lead or Co-Lead Class Counsel in each of the cases identified in paragraph 4 above. Mr. Burns has also significant experience with ERISA. Specifically, Mr. Burns served as Co-lead Class counsel before Judge Jon P. McCalla in the class action styled *The Farm and Industrial Supply Co., Inc. Profit Sharing Plan et al v. First Mercantile Trust Co. et al*, Case No. 02-cv-2946-M/A (W.D. Tenn. filed 2003). That class action involved ERISA and RICO claims brought to recover fee overcharges imposed on 2,500 pension plans. After substantial discovery and extensive negotiations with Defendants' counsel (Williams & Connolly, LLP) and resulted in a settlement of over \$19 million for the class.

7. I have also given seminars concerning class litigation. For example, on behalf of the Federal Bar Association in November 2005, I participated in a Class Action Fairness Act seminar in which myself, Judge Mays and Professor Robert Banks of the University of Memphis Law School served as the panelists. Mr. Burns and I also gave a CLE Seminar on class actions at the Memphis Bar Association annual meeting, known as “Bench Bar,” in May 2012.

8. In November 2016, my firm became involved in the representation of the named Plaintiffs in connection with their unlawful detention in the Shelby County Jail. I and my co-counsel investigated the facts and circumstances that our clients had been exposed to with respect to the Shelby County Jail as well as the various legal claims that are set forth in the Class Action Complaint, which includes claims not only against Shelby County and certain of its employees but also against Tyler Technologies, Inc., a third party vendor of Shelby County, Tennessee. Joseph S. Ozment and Lorna S. McClusky are very familiar with the unconstitutional conduct that has befallen the named Plaintiffs and other class members. Mr. Ozment has represented arrestees who were unlawfully detained and he has investigated the problems that arrestees have undergone with the General Sessions Criminal Court Judges. Ms. McClusky has likewise documented several similar cases of the Shelby County Jails refusal to release arrestees in a timely manner.

9. Given our numerous sizable settlements, my firm has the ability to competently work this matter on behalf of the putative class as well the ability to appropriately finance the litigation cost of this matter, the total amount of which could reach into the tens of thousands of dollars. The above class action cases have required the Watson Burns firm to risk hundreds of thousands of dollars in litigation expenses by advancing these expenses on behalf of these classes a contingency fee basis. Watson Burns has the financial strength and resources to fund class litigation, which often requires plaintiff counsel to bear the cost of class notice, experts and significant electronic discovery costs.

I, Frank L. Watson, III declare under penalty of perjury that the foregoing is true and correct.


FRANK L. WATSON, III

Executed on: 1/30/2017